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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application No.	09/916,704
		Filing Date	July 26, 2001
		First Named Inventor	Jean M. Goldschmidt Iki
		Art Unit	2611
		Examiner Name	Yimam, Harun M.
Total Number of Pages in This Submission	21	Attorney Docket Number	42390P6487C

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> PTO/SB/08  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Return Postcard</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Gordon R. Lindeen III, Reg. No. 33,192 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	June 6, 2006

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or printed name	Debbie Casias		
Signature		Date	June 6, 2006



# FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 500.00

## Complete if Known

Application Number	09/916,704
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First Named Inventor	Jean M. Goldschmidt Iki
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Art Unit	2611
Attorney Docket No.	42390P6487C

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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☒ Charge any additional fee(s) or underpayment of fee(s) ☒ Credit any overpayments  
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

## FEE CALCULATION

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	500.00
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
SUBTOTAL (2)					500.00

## SUBMITTED BY

## Complete (if applicable)

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Signature		Date	06/06/06		



Docket No.: 42390P6487C

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re the Patent Application of: )  
 )  
Goldschmidt Iki, et al. )  
 )  
Serial No.: 09/916,704 ) Art Unit: 2623  
 )  
Filed: July 26, 2001 )  
 )  
For: Method and Apparatus for Displaying )  
Entertainment System Data Upon )  
Selection of a Video Data Display )  
 )  
 )  
 )

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Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313

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**APPEAL BRIEF**  
**IN SUPPORT OF APPELLANT'S APPEAL**  
**TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant (hereafter "Appellant") hereby submits this Brief in triplicate in support of its appeal from a final decision by the Examiner, mailed January 12, 2006 in the above-captioned case. Appellant respectfully requests consideration of this appeal by the Board of Patent Appeals and Interferences for allowance of the above-captioned patent application.

An oral hearing is not desired.

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**I. REAL PARTY IN INTEREST**

The invention is assigned to Intel Corporation of 2200 Mission College Boulevard, Santa Clara, California 95052-8119.

**II. RELATED APPEALS AND INTERFERENCES**

To the best of Appellant's knowledge, there are no appeals or interferences that are related to, will directly affect, will be directly affected by, or have a bearing on the Board's decision in the present appeal.

**III. STATUS OF THE CLAIMS**

Claims 1-20 are currently pending in the above-referenced application. No claims have been allowed. All pending claims were rejected in the Final Office Action mailed January 12, 2006, and are the subject of this appeal.

All pending claims stand rejected under 35 U.S.C. § 102(e) or 103.

**IV. STATUS OF AMENDMENTS**

In response to the Final Office Action mailed on January 12, 2006, rejecting all claims, Appellant timely filed a Notice of Appeal on April 6, 2006.

A copy of all claims on appeal is attached hereto as Appendix A.

**V. SUMMARY OF THE CLAIMED SUBJECT MATTER**

Electronic programming guides in the home entertainment industry typically display limited information about an entertainment selection. The information is usually limited to the title of the entertainment selection, the time it is broadcasted, and the channel broadcasting the entertainment selection. The information is typically presented in a static text format. *See Background of the Invention, paragraph 5, page 3, lines 6-9.*

The present invention allows more programming guide information to be obtained by a user within the context of a video or image display.

Claim 1 is presented as a method provides the following elements:

displaying 704 video data 610 of a first entertainment selection on a first window;

displaying 706 video data 620 of a second entertainment selection on a second window; and

displaying entertainment system data regarding the entertainment selection corresponding to the respective window upon selection by a user of the respective window (See e.g. paragraph 32, page 14, lines 9-14; paragraph 40, page 18, lines 16-20).

Claim 11 is presented as a graphical user interface with these elements:

a first window 610 that displays video data of a first entertainment selection;

a second window 620 that displays video data of a second entertainment selection;

the first and second windows comprising selectable multimedia identifiers 611, 612, 621, 622 that can be selected by a user to cause the display of descriptive information regarding the entertainment selection corresponding to the respective window.

Claim 17 is a Beauregard claim based on Claim 1.

Claim 2 adds additional elements including:

displaying 705 further entertainment system data corresponding to the first entertainment selection in a first area 611 of the first window 610; and

displaying 707 further entertainment system data corresponding to the second entertainment selection in a first area 621 of the second window 620;

wherein selection of the respective window comprises selection of the respective first areas of the respective windows (*See paragraph 32, page 14, lines 8-25*).

Claim 3 add additional elements to those of Claim 2 including:

displaying still further entertainment system data corresponding to the first entertainment selection in a second area 612 of the first window 610; and

displaying still further entertainment system data corresponding to the second entertainment selection in a second area 622 of the second window 620;

wherein selection of the respective window comprises selection of the respective second areas of the respective windows (*See paragraph 32, page 14, lines 8-25*).

Claims 10, 15, and 20 add additional elements comprising:

receiving a preferred trait from the user, the trait being related to at least one entertainment selection;

identifying entertainment selections with the preferred trait by reference to a database of entertainment selections; and

wherein the first and second entertainment selections are selected from among the identified entertainment selections (*See paragraph 32, page 14, lines 8-25*).

**VI. GROUND OF REJECTION**

A. Claims 1-7, and 9-20 stand rejected under 35 U.S.C. §102 (e) as being anticipated by Matthews III, U.S. Patent No. 5,815,145 ("Matthews").

B. Claim 8 stands rejected as obvious over Matthews in view of U.S. Patent No. 5,903,816 to Broadwin.

Ground B relies on ground A. A separate review of ground B is not sought by this appeal.

No claim were indicated as allowable.



## **VII. ARGUMENT**

This argument is directed against the first ground of rejection identified at Section VI.A. (claims 1-7 and 9-20 as anticipated by Matthews. The second ground for rejection relies on the first ground of rejection and is not discussed separately. While independent claims 1, 11, and 17 are not believed to be anticipated. Some of the dependent claims present further limitation that still more clearly distinguish over Mathews. Accordingly, some of these claims are argued separately below.

Claims 1, 4, 6-9, 11-13, and 16-19 stand or fall together.

Claims 2 and 3 stand or fall together.

Claims 10, 15, and 20 stand or fall together.

### **A. THE ANTICIPATION REJECTION IS IN ERROR BECAUSE THE REFERENCE DOES NOT TEACH THAT ANYTHING OCCURS UPON SELECTION OF A WINDOW AS RECITED IN THE CLAIMS**

Mathews in Figure 4 shows various tiles 102, each having a video segment 104 and a channel identification segment 106. The channel identification segment preferably includes a channel number, a channel logo or icon, and a name corresponding to the programming or programming provider (4:59).

If one of the tiles is focused upon, then it is rendered offset with a border (5:9) and the picture goes from a still to a video. The viewer may initiate or activate selections by depressing an action key 91 (4:40). However, applicants are unable to find any description of how the action key might relate to Figure 4, nor of what would happen if the user selected a tile after it has been "focused upon."

Claim 1 of the present application, for example, recites," displaying entertainment system data regarding the entertainment selection corresponding to the respective window upon selection by a user of the respective window."

In Matthews, it is not clear what would happen "upon selection by a user." If the Examiner were to read "upon selection by a user" on the "focused upon" activity of Matthews, this would still not meet the claim, because as shown in Figure 4, the channel identification segment is displayed for all of the tiles, i.e. nothing about entertainment system data occurs as a result of focusing upon a tile.

The remaining claims contain limitation similar to those discussed above, and are believed to be allowable on the grounds discussed above, among others.

**B. THE ANTICIPATION REJECTION IS IN ERROR BECAUSE  
DISPLAYING ENTERTAINMENT SYSTEM DATA AS CLAIMED IS  
NOT THE SAME AS RENDERING VIDEO**

The Examiner appears to recognize that in Mathews each tile of Figure 4 has the information banner 106 and that Matthews offers two functions for the Figure 4 display. When focused on, a tile goes from still image to video and when selected the selected video fills the screen.

Applicants have suggested that Claim 1 is different from Mathews and, for Claim 1, the disagreement would seem to focus on the last element "displaying entertainment system data regarding the entertainment selection corresponding to the respective window upon selection by a user of the respective window."

The Examiner would appear to be reading "displaying entertainment system data" on the process in Mathews of tuning to the corresponding source and rendering the video. Applicants respectfully submit that this reading of Claim 1 is inconsistent with the claim and with the specification. First, the video data is already being displayed as recited in the first two elements of the claim. According to the Examiner's reading then, the third element has no meaning as there is no change caused by the selection.

Second, this reading of Claim 1 is inconsistent with Claim 8 in which a full-screen display of the video is an additional operation and therefore not the same as the third element of Claim 1.

Third, the specification in paragraphs 28, 29, and 30 characterize entertainment system data in the context of the present application and, consistent, with the usage of the claims, it is different from the video for the corresponding entertainment selection.

**C. THE ANTICIPATION REJECTION OF CLAIMS 2 AND 3 IS IN ERROR  
AS THE REFERENCE MAKES NO MENTION OF SELECTING A  
PARTICULAR AREA.**

Claims 2, 3, 12, and 18 refer to "selection of the respective window comprises selection of the respective first [or second] areas of the respective windows." There is no indication in Matthews that a particular area of a window is to be selected.

**D. THE ANTICIPATION REJECTION OF CLAIMS 10, 15, AND 20 IS IN  
ERROR BECAUSE THE REFERENCE MAKES NO USE OF USER  
TRAITS**

Claims 10, 15, and 20 relate to traits of the entertainment selections and identifying selections based on the traits. The Examiner suggests that this reads on Mathews' grouping of most frequently accessed channels. Applicants respectfully submit that a channel is not an entertainment selection but a source of an entertainment selection. Accordingly, these claims are not anticipated.

The cited section of Mathews refers only to a personalized programming list. Applicants find no mention of a trait nor of an identification process.

### **VIII. CONCLUSION**

Appellant respectfully submits that all the appealed claims in this application are patentable and requests that the Board of Patent Appeals and Interferences overrule the Examiner and direct allowance of the rejected claims.

This brief is submitted in triplicate, along with a check for \$500.00 to cover the appeal fee for one other than a small entity as specified in 37 C.F.R. § 1.17(c). Please charge any shortages and credit any overpayment to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: June 6, 2006



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**APPENDIX OF CLAIMS (37 C.F.R. § 1.192(c)(7))**

1. A method for presenting entertainment selections, comprising:  
displaying video data of a first entertainment selection on a first window;  
displaying video data of a second entertainment selection on a second window;  
and  
displaying entertainment system data regarding the entertainment selection  
corresponding to the respective window upon selection by a user of the respective  
window.
2. The method of Claim 1, further comprising:  
displaying further entertainment system data corresponding to the first  
entertainment selection in a first area of the first window; and  
displaying further entertainment system data corresponding to the second  
entertainment selection in a first area of the second window;  
wherein selection of the respective window comprises selection of the respective  
first areas of the respective windows.
3. The method of Claim 2, further comprising:  
displaying still further entertainment system data corresponding to the first  
entertainment selection in a second area of the first window; and  
displaying still further entertainment system data corresponding to the second  
entertainment selection in a second area of the second window;  
wherein selection of the respective window comprises selection of the respective  
second areas of the respective windows.

4. The method of Claim 1, wherein the further entertainment system data in the first area comprises at least one of a call sign of the entertainment selection source, a channel of the entertainment selection source, a title of the entertainment selection, rating information of the entertainment selection, time of broadcast of the entertainment selection, and length of broadcast of the entertainment selection.

5. The method of Claim 1, wherein the entertainment system data displayed upon selection of the respective window comprises at least one of a description of the respective entertainment selection and a critique of the respective entertainment selection.

6. The method of Claim 1, wherein the video data comprises video images of the respective entertainment selections.

7. The method of Claim 6, wherein the video images comprise a still image taken from a real-time broadcast of the respective entertainment selections.

8. The method of Claim 1, further comprising providing a full-screen display of the corresponding entertainment selection upon selection by the user of the respective window.

9. The method of Claim 1, further comprising:  
determining a user's preference of entertainment selection sources;  
obtaining video data corresponding to entertainment selections broadcasted on the preferred entertainment selection sources; and

wherein the first and second entertainment selections are selected from among the obtained video data.

10. The method of Claim 1, further comprising:

receiving a preferred trait from the user, the trait being related to at least one entertainment selection;

identifying entertainment selections with the preferred trait by reference to a database of entertainment selections; and

wherein the first and second entertainment selections are selected from among the identified entertainment selections.

11. A graphical user interface (GUI), comprising:  
a first window that displays video data of a first entertainment selection;  
a second window that displays video data of a second entertainment selection;  
the first and second windows comprising selectable multimedia identifiers that can be selected by a user to cause the display of descriptive information regarding the entertainment selection corresponding to the respective window.

12. The GUI of Claim 11, further comprising:  
a first area of the first window that displays an identification of the source of the first entertainment selection;  
a second area of the first window, that displays a title of the first entertainment selection;  
a first area of the second window, that displays an identification of the source of the second entertainment selection; and  
a second area of the second window, that displays a title of the second entertainment selection;  
wherein selection of the respective window comprises selection of the respective second areas of the respective windows.

13. The GUI of Claim 11, further comprising a navigation tool that allows a user to view additional windows that display video data of additional entertainment selections on the GUI.

14. The GUI of Claim 11, wherein the entertainment system data displayed upon selection of the respective window comprises at least one of a description of the respective entertainment selection, rating information of the respective entertainment selection, and a critique of the respective entertainment selection.

15. The GUI of Claim 11, further comprising:  
a user selectable multimedia identifier of a trait of an entertainment selection; and  
information stored in a database of entertainment selections related to the trait,  
displayed upon selection of the multimedia identifier.

16. The GUI of Claim 15, wherein the selectable multimedia identifiers can further be selected by a user to cause a full-screen display of the entertainment selection corresponding to the respective window.

17. A machine-readable medium having stored thereon data representing sequences of instructions which, when executed by a machine, cause the machine to perform operations comprising:

displaying video data of a first entertainment selection on a first window;  
displaying video data of a second entertainment selection on a second window;  
and  
displaying entertainment system data regarding the entertainment selection corresponding to the respective window upon selection by a user of the respective window.



18. The medium of Claim 17, wherein the instructions further comprise:  
displaying further entertainment system data corresponding to the first  
entertainment selection in a first area of the first window; and  
displaying further entertainment system data corresponding to the second  
entertainment selection in a first area of the second window;  
wherein selection of the respective window comprises selection of the respective  
first areas of the respective windows.

19. The medium of Claim 17, wherein the instructions further comprise:  
displaying still further entertainment system data corresponding to the first  
entertainment selection in a second area of the first window; and  
displaying still further entertainment system data corresponding to the second  
entertainment selection in a second area of the second window;  
wherein selection of the respective window comprises selection of the respective  
second areas of the respective windows.

20. The medium of Claim 17, wherein the instructions further comprise:  
receiving a preferred trait from the user, the trait being related to at least one  
entertainment selection;  
identifying entertainment selections with the preferred trait by reference to a  
database of entertainment selections; and  
wherein the first and second entertainment selections are selected from among the  
identified entertainment selections.

**XI. EVIDENCE APPENDIX**

None.

**XII. RELATED PROCEEDINGS APPENDIX**

None.